

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

**IN RE: CERTIFICATION PROCESS)
 OF SERVICE EMPLOYEES) DOCKET NO. 3438**

MOTION FOR A STAY OF ADMINISTRATIVE PROCEEDINGS

Pursuant to Rule 1.15 of the Commission’s Rules of Practice and Procedure, New England Gas Company (“NEGC”) hereby moves for a stay of all administrative proceedings in the above-referenced Docket until relevant litigation effecting this Docket has been concluded.

DISCUSSION

On February 4, 2003, the Attorney General made a “Motion for a Stay of Administrative Proceedings” with the Commission. By this Motion, NEGC hereby adopts the Attorney General’s arguments in its Motion. The Attorney General has already made it very clear that proceeding further with this Docket only serves to continue the current conflict of interest where the Commission is both a Defendant in the Court and a trier of fact in the administrative level for the same issue. The Attorney General has also further noted that a stay of the rulemaking process until the relevant Court actions are resolved, is wholly consistent with Commission precedent. If the Commission goes forward on this Docket while the Court cases are pending, NEGC’s due process will be trampled upon. If this Docket is allowed to go forward, NEGC simply has no chance for a fair determination. The Commission itself should recognize that it

cannot expect to act as an impartial trier of fact on the same issue where it is the Defendant in District Court.

NEGC respectfully submits that the only fair process available to the Commission is to stay the rulemaking proceedings until the judicial system has made its decision. Once a decision has been made, appropriate action can then be taken. If the Commission chooses to proceed with the rulemaking, it also runs the risk of unnecessarily interfering with federal judicial authority. In short, if the Commission does not issue a stay consistent with the above-referenced Attorney General's Motion and this Motion, NEGC's rights of due process will be violated.

MOVANT'S CERTIFICATION

The Movant hereby certifies that he has made a good faith effort to determine whether or not this Motion will be opposed by contacting each individual on the official service list via electronic mail. The Department of Labor and Training has indicated that they do not oppose the Motion. The Division, the Union, and the Attorney General have not indicated their position.

Respectfully Submitted,

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